

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Owens-Brockway Glass Container Inc.
Mailing Address: 29 Glass Blower Lane
Ringgold, VA 24586
Facility Name: Owens-Brockway Glass Container Inc.
DEQ Registration Number: 30718
Facility Location: 29 Glass Blower Lane, Ringgold Virginia
AIRS Identification No.: 51-0143-0100

<u>Permit Number</u>	<u>Effective Date</u>	<u>Expiration Date</u>
VA-30718	September 5, 2001	September 5, 2006

Dennis H. Treacy
Director, Department of Environmental Quality

September 5, 2001
Signature Date

Table of Contents, 2 pages
Permit Conditions, 21 pages

I. Facility Information	1
II. Emission Units	2
A. Significant Emissions Units	2
B. Insignificant Emission Units	3
III. Fuel Burning Equipment Requirements – (Ref. B-1 and B-2).....	4
A. Limitations	4
B. Maintenance/Operating Procedures	4
C. Monitoring and Recordkeeping	5
IV. Glass Manufacturing Equipment Requirements –	5
(Batch House, Furnace, and Finishing).....	5
A. Limitations	5
B. Maintenance/Operating Procedures	7
C. Monitoring	7
D. Recordkeeping	8
E. Testing	9
F. Reporting.....	9
V. Compliance Plan	10
A. Description of Compliance Requirements	10
B. Compliance Schedule.....	11
C. Reporting Requirements	11
D. Certified Progress Report.....	11
VI. Permit Shield & Inapplicable Requirements.....	11
VII. General Conditions	12
A. Enforceability.....	12
B. Permit Expiration	12
C. Recordkeeping and Reporting.....	12
D. Annual Compliance Certification	14
E. Permit Deviation Reporting	14
F. Failure/Malfunction Reporting	15
G. Severability	15
H. Duty to Comply.....	15
I. Need to Halt or Reduce Activity not a Defense	15
J. Permit Action for Cause.....	15
K. Property Rights	16
L. Duty to Submit Information	16
M. Duty to Pay Permit Fees.....	17
N. Fugitive Dust Emission Standards	17
O. Startup, Shutdown, and Malfunction	18
P. Alternative Operating Scenarios	18

Q.	Inspection and Entry Requirements	18
R.	Reopening For Cause	19
S.	Permit Availability	19
T.	Transfer of Permits.....	19
U.	Malfunction as an Affirmative Defense	20
V.	Permit Revocation or Termination for Cause	21
W.	Duty to Supplement or Correct Application	21
X.	Stratospheric Ozone Protection.....	21
Y.	Accidental Release Prevention.....	21

I. Facility Information

Permittee

Owens-Brockway Glass Container Inc.
29 Glass Blower Lane
Ringgold, VA 24586

Responsible Official

D. A. Wendler
Plant Manager

Facility

Owens-Brockway Glass Container Inc.
29 Glass Blower Lane
Ringgold

Contact Person

Mark Tussing
Environmental Manager
(419) 247-8682

AIRS Identification Number: 51-0143-0100

Facility Description: SIC Code 3221 – Container Glass Manufacturing

II. Emission Units

Equipment to be operated consists of:

A. Significant Emissions Units

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
B-1	001	North American Boiler (1978)	14.6 MMBtu/hr	-	-		4/6/2001
B-2	002	North American Boiler (1978)	2.5 MMBtu/hr	-	-		4/6/2001
Glass Manufacturing Process							
1-A	003	Furnace A (1978)	99 MMBtu/hr				4/6/2001
13		Silos/Batch House		Fabric Filters	Baghouse-?	PM	4/6/2001
6	007	Bottle Finishing	11.4 lb SnCl ₄ /hr	Aeropulse Baghouse Model P144-8	Baghouse-1	PM	4/6/2001

*The Size/Rated capacity [and PCD efficiency] is provided for informational purposes only, and is not an applicable requirement.

B. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
2-A	Refiner	9 VAC 5-80-720 C		9.3 MMBtu/hr
3-A	Forehearths (2)	9 VAC 5-80-720 C		0.7 MMBtu/hr, each
4	Annealing Lehrs	9 VAC 5-80-720 C		4.8 MMBtu/hr, max.
5	Bottle Forming (mold dope)	9 VAC 5-80-720 B	PM	
7	Bottle Finishing (polyethylene emulsion)	9 VAC 5-80-720 B	PM	
8	Bottle Coding	9 VAC 5-80-720 B	VOC, HAP (MEK)	
9	Box Coding	9 VAC 5-80-720 B	VOC	
10	Ink Cleaner	9 VAC 5-80-720 B	VOC, HAP (MEK)	
12	Glass Crushers (2)	9 VAC 5-80-720 B	PM	
14	Parts Washer Stations	9 VAC 5-80-720 B	VOC	
16	API Separator	9 VAC 5-80-720 B	VOC, HAP (naphthalene)	
17	Storage Tanks	9 VAC 5-80-720 B	VOC, HAP (benzene, toluene, ethylbenzene, xylene, naphthalene)	
SFL-1	Solid Film Lubricant	9 VAC 5-80-720 B	PM, VOC, HAP (xylene)	
M-1, M-2	Mold Heat Ovens	9 VAC 5-80-720 C		0.4 MMBtu/hr, each
18	Diesel Generator (<500 hours/yr)	9 VAC 5-80-720 C		<600 hp

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

III. Fuel Burning Equipment Requirements – (Ref. B-1 and B-2)

A. Limitations

1. The approved fuels for the boilers (Ref. B-1 and B-2) are natural gas and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, “Standard Specification for Fuel Oils.” A change in the fuels may require a permit to modify and operate. (9 VAC 5-80-110)

2. Emissions from the operation of each boiler shall not exceed the limits specified below:

Particulate Matter	0.5 lb/MMbtu	(B-1 and B-2)
Sulfur Dioxide	38.5 lb/hr	(B1)
	6.6 lb/hr	(B2)

(9 VAC 5-80-110, 9 VAC 5-40-900, and 9 VAC 5-40-930)

3. Visible Emissions from each of the boiler stacks (Stacks 001 and 002) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity. (9 VAC 5-50-80)

B. Maintenance/Operating Procedures

Boiler emissions shall be controlled by proper operation and maintenance of the boilers (Ref. B-1 and B-2). Equipment operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler equipment. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.

(9 VAC 5-80-10 and Condition 7 of 4/6/01 Permit)

C. Monitoring and Recordkeeping

1. At least one time per week an observation of the presence of visible emissions from each boiler stack shall be made. If visible emissions are observed the permittee shall:
 - a. take timely corrective action such that the boiler resumes operation with no visible emissions, or
 - b. conduct a visible emission evaluation (VEE) in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six minutes, to assure visible emissions from the boiler are less than or equal to 20 percent opacity. If any of the observations exceed the opacity limitation of 20%, the observation period shall continue until a total of 60 minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the affected boiler resumes operation within the 20% opacity limit.

The permittee shall maintain a boiler observation log to demonstrate compliance. The log shall include the date and time of the observations, name of the observer, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-110 E)

2. The permittee shall maintain records of all emission data and operating parameters necessary to calculate emissions from the boilers (Ref. B-1 and B-2). These records shall include, but are not limited to, the annual throughput of natural gas (in million cubic feet) and distillate oil (in 1000 gallons) for the boilers. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110)

IV. Glass Manufacturing Equipment Requirements – (Batch House, Furnace, and Finishing)

A. Limitations

1. Particulate emissions from each of the 18 silos and the batch house (Ref. 13), and the bottle finishing process (Ref. 6) shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.
(9 VAC 5-80-10, 9 VAC 5-50-260 and Condition 3 of 4/6/01 Permit)
2. The production of pulled glass shall not exceed 146,000 tons per year (equal to average daily production of 400 tons), calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-10 and Condition 4 of 4/6/01 Permit)

3. The sulfur content of the raw materials fed to the glass furnace [1-A] shall not exceed 0.25%, by weight (5.0 lb total S as SO₃ per ton of raw material charged to the furnace).
(9 VAC 5-80-10 and Condition 5 of 4/6/01 Permit)
4. The approved fuel for the glass furnace [1-A] is natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-10 and Condition 6 of 4/6/01 Permit)
5. Emissions from the operation of the glass melting furnace [1-A] shall not exceed the limits specified below:

Particulate Matter (filterable portion)	0.71 lb/ ton glass produced	
PM-10 (filterable + condensible)	0.87 lb/ ton glass produced	63.5 tons/yr
Sulfur Dioxide	3.2 lbs/ton glass produced	233.6 tons/yr
Nitrogen Oxides	103.5 lbs/hr	452.6 tons/yr
Carbon Monoxide	8.4 lbs/hr	36.5 tons/yr
Volatile Organic Compounds	6.7 lbs/hr	29.2 tons/yr

Annual emission limits are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of the annual emission limits. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period. Compliance with the annual emission limits may be determined as stated in Condition numbers IV.A.2, IV.A.3, IV.A.6, and IV.F.2.
(9 VAC 5-50-260, 9 VAC 5-50-410, 40 CFR 60.293 (b)(1), and Condition 8 of 4/6/01 Permit)

6. Visible emissions from the glass melting furnace [1-A] shall not exceed the lower of:
 - a. the opacity value established in accordance with 40 CFR 60.293, or
 - b. 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

(9 VAC 5-50-260, 9 VAC 5-50-410, 40 CFR 60.293 (c)(4), and Condition 9 of 4/6/01 Permit)

7. Visible Emissions from each fabric filter controlling emissions from batch handling or finishing operations shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity.
(9 VAC 5-50-80)
8. Except where this permit is more restrictive than the applicable requirement, the glass furnace [1-A] shall be operated in compliance with the requirements of 40 CFR 60, Subpart CC.
(9 VAC 5-50-400, 9 VAC 5-50-410, 9 VAC 5-80-10, and Condition 10 of 4/6/01 Permit)

B. Maintenance/Operating Procedures

Emissions from the glass furnace [1-A] and air pollution control equipment shall be controlled by proper operation and maintenance of all such equipment. Equipment operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the furnace [1-A] and each fabric filter. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-10 and Condition 7 of 4/6/01 Permit)

C. Monitoring

1. A Continuous Opacity Monitoring System (COMS) meeting the design specifications of 40 CFR Part 60, Appendix B shall be installed to measure and record the opacity of emissions from the glass furnace stack (Ref. 003). The COMS shall be installed, calibrated, maintained and operated in accordance with the requirements of 40 CFR 60.13, Subpart CC and Appendix B. Data shall be reduced to six minute averages.
(9 VAC 5-50-40, 9 VAC 5-50-410, 40 CFR 60.293, and Condition 12 of 4/6/01 Permit)
2. Performance evaluations of the continuous monitoring system shall be conducted in accordance with 40 CFR Part 60, Appendix B, and shall take place during initial performance tests to be conducted and reported on or before July 29, 2001, or within 30 days thereafter. Two copies of the performance evaluations report shall be submitted to the South Central Regional Office within 45 days of the evaluation. The continuous monitoring system shall be installed and operational prior to conducting initial performance tests. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation and calibration of the device. A 30 day notification, prior to the demonstration of continuous monitoring system's performance, and subsequent notifications shall be submitted to the South Central Regional Office.
(9 VAC 5-50-40, 9 VAC 5-50-410, 40 CFR Part 60, Appendix B, and Condition 13 of 4/6/01 Permit)

3. After the initial performance evaluation, the permittee shall conduct opacity system monitoring audits, on a regularly scheduled basis, to demonstrate compliance with the calibration error specification (40 CFR 60, Appendix B, Performance Specification 1). In no case shall the length of time between audits exceed 12 months. Prior to the first scheduled audit the permittee shall submit, for approval, to the South Central Regional Office, the proposed audit procedures for the opacity monitoring system. A 30-day notification prior to the initial performance evaluation and each scheduled audit shall be submitted to the South Central Regional Office.
(9 VAC 5-50-40, 9 VAC 5-50-410, 40 CFR Part 60, Appendix B, and Condition 14 of 4/6/01 Permit)
4. At least one time per week an observation of the presence of visible emissions from the each fabric filter controlling emissions from batch handling and finishing operations shall be made. If visible emissions are observed the permittee shall:
 - a. take timely corrective action such that the affected fabric filter resumes operation with no visible emissions, or
 - b. conduct a visible emission evaluation (VEE) in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six minutes, to assure visible emissions from the affected fabric filter are less than or equal to 20 percent opacity. If any of the observations exceed the opacity limitation of 20%, the observation period shall continue until a total of 60 minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that the affected fabric filter resumes operation within the 20% opacity limit.

The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, name of the observer, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.
(9 VAC 5-80-110 E)

D. Recordkeeping

The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

1. Annual production of glass pulled from the furnace [1-A], calculated monthly as the sum of each consecutive 12 month period.
2. Records showing sulfur content for each raw material formulation charged to the furnace [1-A].
3. Monthly emissions calculations for SO₂ from the glass melting furnace [1-A], using calculation methods approved by the South Central Regional Office to verify compliance with the ton/yr emissions limitations in Condition IV.A.5.

4. Scheduled and unscheduled maintenance, and operator training.
5. Continuous monitoring system data, calibrations and calibration checks, percent operating time, and excess emissions.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50 and Condition 16 of 4/6/01 Permit)

E. Testing

1. Initial performance tests shall be conducted for PM (filterable), PM₁₀ (filterable and condensible), SO₂, and NO_x from the glass melting furnace, to determine compliance with the emission limits contained in Condition IV.A.5. The tests shall be performed and reported on or before July 29, 2001.

Once each permit term, at a frequency not to exceed five years, performance tests shall be repeated for PM (filterable), PM₁₀ (filterable and condensible), SO₂, and NO_x from the glass melting furnace [1-A], to determine compliance with the emission limits contained in Condition IV.A.5.

Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, South Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the South Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-50-30, 9 VAC 5-80-10, 9 VAC 5-50-410, 40 CFR Part 60, Appendix B, and Condition 11 of 4/6/01 permit)

2. The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations. (9 VAC 5-50-30 F and Condition 17 of 4/6/01 Permit)

F. Reporting

1. The permittee shall furnish written notification to the South Central Regional Office of:
 - a. The anticipated date of continuous monitoring system performance evaluations postmarked not less than 30 days prior to such date.
 - b. The anticipated date of performance tests of the glass melting furnace [1-A] postmarked at least 30 days prior to such date.

Copies of the written notification referenced in items a and b above are to be sent to:
Associate Director
Office of Air Enforcement (3AP10)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-50-50 and Condition 18 of 4/6/01 Permit)

2. The permittee shall furnish written reports to the South Central Regional Office of excess emissions from any process monitored by a continuous monitoring system (COMS) on a semiannual basis, postmarked no later than the 30th day following the end of the semiannual period. The time periods to be addressed are the calendar months January through June and July through December. These reports shall include, but are not limited to the following information:
 - a. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
 - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.

(9 VAC 5-50-50 and Condition 15 of 4/6/01 Permit)

V. Compliance Plan

A. Description of Compliance Requirements

The permittee is subject to the compliance schedule described below. The schedule includes a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule resembles and is at least as stringent as that contained in any judicial consent decree or Board order to which the source is subject. This schedule is supplemental to, and does not sanction noncompliance with the applicable requirements upon which it is based.

(9 VAC 5-80-90 I.3.c)

B. Compliance Schedule

1. By August 28, 2001, the permittee shall complete installation and certification of the continuous opacity monitoring system required by Condition IV.C.1 of this permit.
(9 VAC 5-80-110 K.3 and Condition 13 of 4/6/01 Permit)
2. By September 12, 2001, the permittee shall submit results of the initial performance tests required by Condition IV.E.1 of this permit.
(9 VAC 5-80-110 K.3 and Condition 11 of 4/6/01 Permit)
3. By September 12, 2001, the permittee shall have achieved final compliance.
(9 VAC 5-80-110 K.3)

C. Reporting Requirements

Within 14 days of the dates provided in **Compliance Schedule** above, the permittee shall provide written confirmation that the milestone has been achieved. If the milestone is not achieved by the date required in the compliance schedule, the source shall, within 14 days of the date, provide a written explanation of the reason the compliance date was not met, a proposed alternate date and a statement as to the impact on the final compliance date. Extension of a compliance date may be cause for modification of this permit.
(9 VAC 5-80-110 K.4)

D. Certified Progress Report

The permittee shall submit a certified progress report semi-annually detailing the progress made toward completion of the milestones in **Compliance Schedule** above. The progress report must be certified by a responsible official and shall contain the following:

1. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved.
2. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.

(9 VAC 5-80-90 I.4 and 9 VAC 5-80-110 K.4)

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 61, Subpart N	National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants	Does not apply; Owens-Brockway uses no commercial arsenic in their process.
40 CFR 60, Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	Does not apply; all boilers installed prior to 6/9/89.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. General Conditions

A. Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit shall become invalid five years from the date of issuance. Permit expiration terminates the source's right to operate. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.
(9 VAC 5-80-110 D, 9 VAC 5-80-170B, and 9 VAC 5-80-80 F)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.

- c. The company or entity that performed the analyses.
- d. The analytical techniques or methods used.
- e. The results of such analyses.
- f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

- 2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

- 3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ every six months. The time periods to be addressed are the calendar months January through June and July through December. Each report must be postmarked within 30 days following each six-month reporting period. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

- (1) Exceedance of emissions limitations or operational restrictions;

- (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

- (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to DEQ and EPA a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The time period to be covered by the certification is the calendar months January through December. Each report must be postmarked within 30 days following each annual period. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. The identification of the methods or other means used by the permittee for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data.
5. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the South Central Regional Office, within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the South Central Regional Office, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit, including those terms and conditions set forth in a tabular format. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4)

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
 - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
 - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
 - g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)